

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

Nancy J. Williams

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§
§
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§
§

Case: 5:06-cv-15146

Assigned To: O'Meara, John Corbett

Referral Judge: Komives, Paul J

Filed: 11-17-2006 At 09:29 AM

CMP USA V. WILLIAMS (JTC)

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

The United States of America, plaintiff, alleges that:

Jurisdiction

1. This Court has jurisdiction over the subject matter of this action pursuant to Article III, Section 2, U.S. Constitution and 28 U.S.C. § 1345.

Venue

2. The defendant is a resident of Wayne County, Michigan within the jurisdiction of this Court and may be served with service of process at 8905 Lasalle Blvd. Detroit, MI 48206.

The Debt

3. The debt owed the USA is as follows:

A. Current Principal (<i>after application of all prior payments, credits, and offsets</i>)	\$1,163.46
B. Current Capitalized Interest Balance and Accrued Interest	\$1,247.56
C. Administrative Fee, Costs, Penalties	\$0.00
D. Credits previously applied (<i>Debtor payments, credits, and offsets</i>)	\$500.00
E. Attorneys fees	\$0.00
Total Owed	\$2,411.02

The Certificate of Indebtedness, attached as Exhibit A", shows the total owed excluding attorney's fees and CIF charges. The principal balance and the interest balance shown on the Certificate of Indebtedness is correct as of the date of the Certificate of Indebtedness after application of all prior payments, credits, and offsets. Prejudgment interest accrues at the rate of 8.000% per annum.

Failure to Pay

4. Demand has been made upon the defendant for payment of the indebtedness, and the defendant has neglected and refused to pay the same.

WHEREFORE, USA prays for judgment:

A. For the sums set forth in paragraph 3 above, plus prejudgment interest through the date of judgment, all administrative costs allowed by law, and post-judgment interest pursuant to 28 U.S.C. § 1961 that interest on the judgment be at the legal rate until paid in full;

B. For attorneys' fees to the extent allowed by law; and,

C. For such other relief which the Court deems proper.

Respectfully submitted,

By: 

PAMELA S. RITTER (P47886)

Attorneys for Plaintiff

28366 Franklin Road

Southfield, MI 48034

Tel. (248) 352-4340

Fax. (248) 352-3258

**U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA
CERTIFICATE OF INDEBTEDNESS**

Nancy J. Williams
8920 La Salle Blvd.
Detroit, MI 48206-2245

SSN:

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 06/29/98.

On or about 02/05/87, the borrower executed promissory note(s) to secure loan(s) of \$1050.00, from Glendale Federal, Glendale, CA at 8 percent interest per annum. This loan obligation was guaranteed by California Student Aid Commission and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 CFR. Part 682). The holder demanded payment according to the terms of the note(s), and credited \$0.00 to the outstanding principle balance owed on the loan(s). The borrower defaulted on the obligation on 03/08/89 and the holder filed a claim on the guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$ 1163.46 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. The guarantor attempted to collect the debt from the borrower. The guarantor was unable to collect the full amount due, and on 06/18/92 assigned its right and title to the loan(s) to the Department.

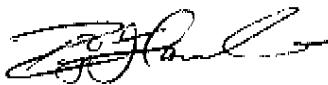
Since assignment of the loan, the Department has received a total of \$ 55.85 in payments from all sources, including Treasury Department offsets, if any. After application of these payments, the borrower now owes the United States the following:

Principal:	\$1163.46
Interest:	\$944.36
Administrative/Collection Costs:	\$23.27
Late fees	\$0.00
Total debt as of 06/29/98:	\$2131.09

Interest accrues on the principal shown here at the rate of \$ 0.26 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 7/2/98

Name: 
Title: Loan Analyst
Branch: Litgation Branch

APPLICATION

CALIFORNIA GUARANTEED STUDENT LOAN

California Student Aid Commission, Guarantor

PRINT COPIES OF FORM
TO SCHOOL FOR PROCESSING
STUDENT RETAINS BLUE COPY

PROMISE TO REPAY

WARNING: This student loan must be repaid. Failure to honor its repayment terms may result in Default.
misrepresentation on this form is subject to penalties under state and federal codes.

3070557

knowingly makes a false statement or

PRINT OR TYPE ALL ENTRIES

PART A - COMPLETED BY STUDENT

1. Social Security Number	2. Applicant's Last Name	First Name	MI.
	Williams	Nancy	J.
3. Date of birth	4. Permanent Home Address	5. Home Phone	
	3509 W. 25th St.		
6. U.S. Citizenship (List all)	City	State	Zip Code
1. U.S. Citizen or National <input checked="" type="checkbox"/> 2. Permanent Resident or Eligible Non-Citizen <input type="checkbox"/> (Alien Registration Number)	Los Angeles	California	90018
7. Address and Phone While Attending School (if known)	3509 W. 25th St. L.A., CA	90018	
8. State of Permanent Residence	9. Driver's License	10. Major Course of Study Code	
State: CA License: 06 87	CA 06092121	3	
11. REFERENCE REQUIREMENT			
A. Parent/Guardian <input checked="" type="checkbox"/> B. Other Adult Relative <input checked="" type="checkbox"/> C. Other Adult Relative <input type="checkbox"/> Friend <input checked="" type="checkbox"/>			
Name			
Katie Twitty			
Address			
8905 LaSalle Blvd.			
City, State, Zip Code			
Revere, ME 48206			
Phone			
12. Prior student loan history: List all FSL/GSL/GLAS/PLUS/ALAS Loans you have received below:			
A) Lender/Holder and State	B) Total Amount Owed	C) Circle interest rate	D) Guarantor
1.		7% 8% 9% 12% 14%	A B
2.		7% 8% 9% 12% 14%	A B
3.		7% 8% 9% 12% 14%	A B
4.		7% 8% 9% 12% 14%	A B
13. Are any loans listed in #12 for any part of the enrollment period covered by this loan request?			
FSL, GSL? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Amount \$			
GLAS, PLUS, ALAS? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Amount \$			
14. Requested Loan Amount			
I Requested \$ 1,050.00			
List Amount Requested			
15. Enrollment Period Covered by This Loan			
From 06 87 To 06 87			
16. Have you ever DEFAULTED on any educational loan or do you owe a refund on any federal/state educational grant?			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, list details and arrange all repayment arrangements to this application.			
17. Name and City/State of Lender			
Glendale Federal			
401 N. Brand Blvd			
Glendale, CA 91209			

PROMISSORY NOTE FOR A CALIFORNIA GUARANTEED STUDENT LOAN

I, the undersigned student-borrower identified above, PROMISE TO PAY to the order of my lender a subsequent loan of the LOAN AMOUNT REQUESTED (Item 14 above).

18.A. ONE THOUSAND FIFTY Dollars 10.0 (\$1050.00)

WRITE REQUESTED LOAN AMOUNT MUST BE SAME AS ITEM 14 ABOVE

or amount advanced to me, plus amounts due on the reverse side of this Note and listed for me on the Disclosure Statement which I will receive no later than when I receive my loan check(s). My signature certifies that I have read and understood and agreed to the conditions and authorizations stated in the "BORROWER CERTIFICATION STATEMENT" on the reverse side of this note.

I UNDERSTAND THAT THIS IS A PROMISSORY NOTE. I WILL NOT SIGN THIS BEFORE READING IT, INCLUDING THE WRITING ON THE REVERSE SIDE, EVEN OTHERWISE ADVISED. I AM ENTITLED TO AN EXACT COPY OF THIS PROMISSORY NOTE, THE DISCLOSURE STATEMENT AND ANY AGREEMENTS I SIGN. BY SIGNING THIS NOTE I ACKNOWLEDGE THAT I HAVE RECEIVED AN EXACT COPY OF DOCUMENT.

19. X Nancy J. Williams 20. 06-5-87

SIGNATURE OF STUDENT-BORROWER

DATE

NOTICE TO STUDENT-BORROWER Read TERMS OF PROMISSORY NOTE on reverse

PART B - COMPLETED BY FINANCIAL AID OFFICER

21. School Code	22. Name and Address of School	23. Enrollment Status	24. Anticipated Completion Date
008596	West Los Angeles College 4800 Westman Ave Culver City, CA 90230	Full Time <input checked="" type="checkbox"/> Half Time <input type="checkbox"/> Graduate <input type="checkbox"/>	06 87
A. CLIP	25. Grade Level	26. Dependency Status	27. Enrollment period covered by Loan
	UNDERGRAD, VOCATIONAL <input checked="" type="checkbox"/> GRAD or PROFESSIONAL <input type="checkbox"/> COR <input type="checkbox"/>	Dependent <input checked="" type="checkbox"/> Independent <input type="checkbox"/>	From 02 87 To 06 14
28. Family Adjusted Gross Income	29. Estimated Cost of Attendance (incl. Loan Period)	30. Estimated Financial Aid for Loan Period	31. Expected Family Contribution
\$ 0	\$ 3206	\$ 1895	\$ 1054
32. Recommended Disbursement Date	33. Signature of Authorized School Official	34. Signature of Authorized School Official	35. Disbursement Amount
02/23/87			

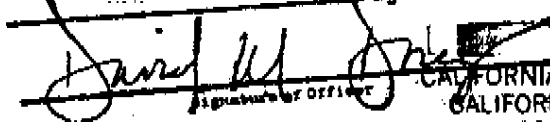
PART C - COMPLETED BY LENDER

35. Lender Code/Name	36. Signature of Authorized Lending Official	37. Loan Amount	38. %	39. Anticipated Date(s)	40. Disbursement Amount

LENDER COPY

UNITED STATES DEPT. OF EDUCATION

"All right, title and interest of the California Student Aid Commission is hereby assigned in favor of _____ by execution of this endorsement."

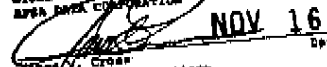

Signature of Officer

APR 15 1992

CALIFORNIA EDUCATIONAL LOAN PROGRAMS
CALIFORNIA STUDENT AID COMMISSION
1515 "S" STREET, SUITE 500
NORTH BUILDING
Typed Name and Address

All right, title and interest of the Student Loan Marketing Association is hereby assigned, without warranty except that the note qualifies for insurance, to the California Student Aid Commission.

STUDENT LOAN MARKETING ASSOCIATION BY
APRA BANK CORPORATION


Date NOV 16 1988
Wilbur V. Cross
Director, S&L Operations
Academic Financial Services Association
2277 E. 230th St.
Long Beach, CA 90810-1690

WILLIAMS, NANCY, J
CLAIM NO 1992090055158 06-18-92
SSN
TD 1

CIVIL COVER SHEET County in which this action arose

Wayne-C-79528

This cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as the local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number):
Holzman, Ritter & Leduc PLLC
28366 Franklin Rd., Southfield, MI 48034

DEFENDANTS

Nancy J. Williams
8905 Lasalle Blvd.
Detroit, MI 48206

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

Case: 5:06-cv-15146

Assigned To: O'Meara, John Corbett

Referral Judge: Komives, Paul J

Filed: 11-17-2006 At 09:29 AM

CMP USA V. WILLIAMS (JTC)

II. BASIS OF JURISDICTION (Select One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP (For Diversity Cases Only)

- | | | | |
|---|--|---|---|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3 | Foreign Nation | PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 366 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 480 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 341c <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Select One Box Only)

- ☒ 1 Original Proceedings
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 Recovery of funds due to default on a contract plan with an agency of the USA or a contract or plan insured by an agency of the USA
 Brief description of cause:
 Defaulted Student Loan 28 U.S.C. 516 et al.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint.

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

May 1, 2006

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

11/16/06

Amel Ritter ✓

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

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